

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SUSAN FOX,

Plaintiff,

Civil Action No.12-cv-14390  
HONORABLE GERSHWIN A. DRAIN

v.

TIME, INC.,

Defendant,

\_\_\_\_\_ /

**ORDER DENYING MOTION FOR EXTENSION OF TIME TO RESPOND TO  
COMPLAINT AND TO FILE OVERSIZED BRIEF [#16]**

Before the Court is a putative class action filed against a magazine publisher, alleging violations of Michigan's Video Rental Privacy Act and other state law claims. On November 7, 2012, this Court issued an order for Plaintiff to show cause why this matter should not be dismissed. On November 14, 2012, Plaintiff indicated that on October 24, 2012, the Plaintiff, at the request of the Defendant, agreed to extend the response pleading deadline to December 3, 2012. Presently, the Defendant is again requesting the Court to extend the time for the responsive pleading, and it seeks to have briefs filed in excess of the page limitation prescribed by Local Rule 7.1(d)(3)(A).

The Defendant contends that the Plaintiff's counsel has brought three identical suits against other magazine publishers before different judges, and that the reason it requests the time extensions is because "counsel for all parties agree that it would be

beneficial to have these cases on the same schedule.”

The Federal Rules of Civil Procedure Rule 6(b)(1) state the standard for obtaining extensions is “good cause.” A party shows good cause by demonstrating a “reasonable justification” for its failure to complete the requested task within the time allowed. See *Foster v. Halter*, 279 F.3d 348, 357 (6th Cir. 2001). In *United States ex rel. Kalish v. Desnick*, 765 F. Supp. 1352, 1354 (N.D. Ill. 1991), the court held that “good cause” can be demonstrated by “advancing specific facts which describe the magnitude of the undertaking, the time available for completion, and circumstances which would prevent a reasonable person from performing within the time allowed by a statute or court rule.” *Kalish*, 765 F.Supp at 1354.

Here, the Defendant cites attorney convenience, and does not demonstrate any specific facts under *Desnick* that would prevent a reasonable person from filing within the time allotted. Accordingly, the request for an extension of time is DENIED.

“A person seeking to file a longer brief [more than the 20 pages allowed] may apply *ex parte* in writing setting forth the reasons.” E.D. Mich. LR 7.1(d)(3)(A). Here, the Defendant does not present the Court with any reasons to consider extending the page count to a number outside of LR 7.1. Accordingly, the request for an extension of time is DENIED.

It is so ORDERED that Defendant shall respond to the complaint on or before December 3, 2012.

It is further ORDERED that the motion for extension of time and to file an oversized brief [#16] is DENIED.

SO ORDERED.

Dated: November 29, 2012

/s/ Gershwin A. Drain  
GERSHWIN A. DRAIN  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 29, 2012.

s/Tanya Bankston  
TANYA BANKSTON  
Case Manager